

IN THE UNITED DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

JAMES CASEY SIMS

PLAINTIFF

VS.

CAUSE NO.: 3:20-cv-156-JMV

KILOLO KIJAKAZI,¹
Acting Commissioner of Social Security

DEFENDANT

ORDER

BEFORE THE COURT are Plaintiff's motion [27] for an award of attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and Defendant's "Opposition to Plaintiff's Motion for Attorney's Fees Under EAJA" [28]. Defendant objects to Plaintiff's motion only to the extent that Plaintiff requests that the award be paid directly to Plaintiff's counsel.

Specifically, Defendant insists that the Supreme Court in *Astrue v. Ratliff*, 560 U.S. 586, 591-98 (2010), found that the plain meaning of the Equal Access to Justice Act requires that an EAJA award be payable to the plaintiff, as the prevailing party, and not to the plaintiff's attorney.

Plaintiff offers no reply. Accordingly, having considered the submissions of the parties and the applicable law—and hearing no objection from Defendant regarding the amount of the fee request—the Court finds the EAJA award requested is reasonable. On the other hand, the Court agrees with Defendant that under the facts of this case, any fee award should be made payable to Plaintiff, not Plaintiff's counsel. Therefore, it is ORDERED that Plaintiff's motion for an award of attorney fees is GRANTED, and Defendant shall promptly pay Plaintiff \$6,745.67 for the benefit of Plaintiff's counsel.

SO ORDERED this 18th day of October, 2021.

/s/ Jane M. Virden
United States Magistrate Judge

¹ The Clerk is directed to amend the style of the case to reflect the automatic substitution of Kilolo Kijakazi, Acting Commissioner of Social Security, in the place of Andrew Saul.